



COMMONWEALTH OF MASSACHUSETTS
**Board of Registration
of
Hazardous Waste Site Cleanup Professionals**

**MINUTES
of
BOARD MEETING**

Held on
July 23, 2009

Meeting Location: New Bedford Whaling Museum
18 Johnny Cake Hill
New Bedford, Mass.

Prepared by: A. Fierce

[Approved: Aug. 19, 2009]

1. **Call to Order:** Chairperson Janine Commerford called the meeting to order at 2:28 p.m. The other Board members present were Gail Batchelder, Deborah Farnsworth, Kirk Franklin, Christophe Henry, Gretchen Latowsky, Robert Luhrs, Kelley Race, and Debra Stake. Jack Guswa was absent. The LSP Board staff members present were Allan Fierce, Lynn Read, Brian Quinlan, Terry Wood, Al Wyman, and Ron Viola. Also present was Wes Stimpson of the LSP Association.
2. **Announcements:** There were no announcements.
3. **Agenda:** The Board members agreed to follow the draft agenda.
4. **Minutes:** The Board reviewed the draft minutes of the meeting of the Board held on June 25, 2009. **A motion was made and seconded to approve the minutes as drafted. The motion was approved unanimously.**
5. **Decisions Regarding License Applicants:** The staff presented the following Application Dockets:

Docket No. 1: The applicant's name, company name, application number, and Application Review Panel recommendation were read into the record:

| | | <u>App. No.</u> | <u>ARP</u> | <u>Rec.</u> |
|------------------|------------------|-----------------|------------|-------------|
| Dawn M. Oliveira | EFI Global, Inc. | #3432 | 221 | A |

No members were recused.

A motion was made and seconded that the Board accept the recommendation from Application Review Panel #221, i.e., that the application submitted by Ms. Oliveira be approved and that she be found eligible to take the exam. The motion was approved unanimously.

Docket No. 2: The applicant's name, company name, application number, and Application Review Panel recommendation were read into the record:

| | | <u>App. No.</u> | <u>ARP</u> | <u>Rec.</u> |
|---------------------|---------------------------|-----------------|------------|-------------|
| Christopher E. Gill | Corporate Env'tl Advisors | #4354 | 225 | A |

Ms. Commerford was recused and left the room.

A motion was made and seconded that the Board accept the recommendation from Application Review Panel #225, i.e., that the application submitted by Mr. Gill be approved and that he be found eligible to take the exam. The motion was approved unanimously.

Ms. Commerford returned and rejoined the meeting.

Docket No. 3: The applicant's name, company name, application number, and Application Review Panel recommendation were read into the record:

| | | <u>App. No.</u> | <u>ARP</u> | <u>Rec.</u> |
|-------------------|------------------|-----------------|------------|-------------|
| Courtney D. Moore | Envirologic, LLC | #6870 | 226 | A |

No members were recused.

A motion was made and seconded that the Board accept the recommendation from Application Review Panel #226, i.e., that the application submitted by Mr. Moore be approved and that he be found eligible to take the exam. The motion was approved unanimously.

6. License Renewal Applications:

A. Renewal Dockets. The staff presented the following License Renewal Dockets:

Renewal Docket #1

License Renewal

Renewal Date: July 30, 2009

Have met all requirements for renewal.

New Renewal Date: July 30, 2012

1. Eric M. Axelrod #6297
2. George E. Campbell #6176

- | | |
|------------------------|-------|
| 3. Thomas J. Fennick | #7155 |
| 4. John Genewicz | #4416 |
| 5. Christopher D. Glod | #4900 |
| 6. Jeffrey S. Holden | #8137 |
| 7. Stewart A. Wiley | #8641 |

Renewal Docket #2

Request for a 90-day Extension

Renewal Date: July 30, 2009

New Renewal Date: October 28, 2009

- | | |
|-----------------------|-------|
| 1. Thomas P. Clark | #4654 |
| 2. William B. Kerfoot | #4276 |

A motion was made and seconded to renew the licenses of the LSPs on Renewal Docket #1 for a three-year period ending on the date indicated and to grant a 90-day extension to the LSPs on Renewal Docket #2. The motion was approved unanimously.

B. Other Renewal-related Matters. Mr. Fierce reported that no waiver requests had been received since the previous meeting, and there were no other renewal-related matters.

7. Other Licensing-Related Matters:

A. New Panel Assignments and Scheduling. The following Board members were assigned to Application Review Panel # 227: Mr. Franklin, Mr. Luhrs, and Ms. Stake.

B. Appeals Status Report. Ms. Wood reported that there are no pending appeals regarding the Board's denial of a license application.

C. Inactive Status Report. Mr. Fierce reported that since the previous meeting there have been no changes to the list of Inactive LSPs. Four LSPs remain on Inactive Status.

D. Total Number of Active and Inactive LSPs. Mr. Fierce reported that the total number of Active LSPs as of the date of this meeting was 549.

E. Revisions to Application Forms (Application Committee). Mr. Fierce reported that although the Committee had not met to discuss revisions to the key questions on the Application forms, it was planning to meet in the next few weeks.

8. Examinations:

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A. New Licensees. The staff reported that the following approved applicants passed the licensing exam administered on July 9, 2009, and are now LSPs:

1. Sean Healey #6389
2. Patrick King #6230
3. Joseph Lombardo, Jr. #3188

B. Next LSP Exam. The staff reported that the next exam administration date is August 26, 2009.

9. Continuing Education Committee Report:

A. Course and Conference Approval Requests. Mr. Wyman reported that the Committee had met earlier in the day and had the following course recommendation to present to the full Board:

Sponsor: Northeast Regional Environmental Public Health Center
 Conference Title: 25th Annual International Conference on Soils, Sediments, Water and Energy

Credits Requested: Conference credit (50% of hours attended; non-DEP Technical credits). Also requesting 1:1 credit for each of the following conference workshops:

| Workshop Number | Workshop Name | Total Technical (non-DEP) credits | Total DEP Course credits |
|-----------------|---|-----------------------------------|----------------------------|
| 1 | Incremental and Stratified Sampling Designs for Surface Soil Analyses | 8 | |
| 2 | Assessing Vapor Intrusion at Petroleum Release Sites | 4 | |
| 3 | BioVapor, a 1-D Vapor Intrusion Model with Aerobic Biodegradation | 4 | |
| 4 | The MCP Audit 2009 – A Case Study Approach | | (previously approved) 4 |
| 5 | Environmental Fate of Hydrocarbons in Soils and Groundwater | 3 | |
| 6 | Building a Better Background Data Set | 3 | |
| 7 | The Revised CAM: What You Need to Know | | 3 |
| 8 | Perchlorate Remediation Technologies: an ITRC Short Course | 3 | |
| 9 | In Situ Thermal Remediation | 3 | |
| 10 | Identifying Background | 3 | |
| 11 | In-Situ Chemical Oxidation Workshop | 3 | |

Committee Recommendation: **Approve this conference for Conference Credit (50%) and also approve these workshops for the credits requested.**

A motion was made and seconded to accept the Committee's recommendations. The motion was approved unanimously.

B. Other Business. The Committee had no other business to report.

10. **Professional Conduct Committee:** Since all the Board members present at this meeting were not present at the meeting of the Professional Conduct Committee, the Chair reported the action taken at that meeting, namely, (i) a review of the status of the active disciplinary cases and (ii) the acceptance of a Screening Team's recommendation to dismiss Complaint 09C-01.
11. **Personnel, Budget, and Fees:** Mr. Fierce informed the Board that the final state budget for FY-10 has been enacted, and it contains \$343,117 for the LSP Board, an amount he said would be insufficient to fund the Board's operations at the current level. The Board's budget for the FY-09 was \$414,879. Ms. Commerford reported that MassDEP also received reduced funding for FY-10. She said MassDEP's senior staff is currently analyzing all its projected revenue and expenses for the coming year, and it had not yet been determined how many staff the overall budget would support. She said the LSP Board staff would be considered along with MassDEP staff in this overall budget review.
12. **Status of Board Member Replacements by Governor:** Ms. Commerford again stated that the Governor has not acted on the pending replacement request.
13. **Other Business:** It was the consensus of the Board that it would place on the agenda of the next meeting a generic discussion of procedural issues regarding the review of license applications from individuals whose licenses had been revoked for disciplinary reasons or who have voluntarily surrendered their licenses to resolve a disciplinary matter.

The Board also discussed possible topics for the next LSPA newsletter. Mr. Stimpson confirmed that the next deadline for the submission of articles was at the end of August.
14. **Scheduling of Next Meeting:** The Board agreed to hold its next meeting on August 19, 2009, at MassDEP's Central Regional Office in Worcester, starting at 10:00. The following meeting was tentatively scheduled for September 30, 2009, at a location to be determined.
15. **Enter Executive Session:** A motion was made and seconded that the Board enter Executive Session for the purpose of discussing litigation strategy, and that the Board not return to Open Session thereafter. Ms. Commerford conducted a roll-call vote. Each member present voted as follows:

| | | | |
|----------------|-----|--------------|-----|
| Ms. Batchelder | Aye | Ms. Latowsky | Aye |
| Ms. Commerford | Aye | Mr. Luhrs | Aye |
| Ms. Farnsworth | Aye | Ms. Race | Aye |
| Mr. Franklin | Aye | Ms. Stake | Aye |
| Mr. Henry | Aye | | |

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At 3:02 p.m. the Board entered into Executive Session.